



**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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**STATE WATER CONTROL BOARD  
ENFORCEMENT ACTION  
AMENDMENT TO ORDER BY CONSENT  
ISSUED TO  
HOLTZMAN CORPORATION**

**SECTION A: Purpose**

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 62.1-44.34:20 between the State Water Control Board and Holtzman Corporation, regarding the discharge of oil (gasoline) at 39258 E. Colonial Highway, Hamilton, Loudoun County, for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to Holtzman Corporation on September 11, 2018.

**SECTION B: Basis for Amendment**

1. On October 11, 2017, a Holtzman Corporation (Holtzman) tanker truck was involved in an accident with a private passenger vehicle. The accident resulted in a discharge of 903 gallons of gasoline. The discharged gasoline affected state lands and surface waters. The Holtzman truck operator was charged and issued a summons; such charge was dismissed by the Loudoun County General District Court at the end of a trial on February 28, 2018.
2. The State Water Control Board entered into the Order with Holtzman effective September 11, 2018, for the discharge of oil (gasoline) to state lands and surface waters. At and before the time of entry of such Order, it was known by both parties hereto that Holtzman had stated, from the beginning, that it was not responsible for the October 11, 2017 accident - and that the driver of the private passenger vehicle which ran into the Holtzman tanker truck was so responsible - but that Holtzman was still willing to be responsible for any related cleanup and remediation from the discharge of gasoline into state lands and surface waters. Based on such understanding, the agency approved

language in this amendment could have been used in the original order in Section E, paragraph 3.

3. Holtzman has requested that Item 3 in Section E of the Order be replaced with the following optional wording which the State Water Control Board would have accepted and used at the time of the entry of such Order on September 11, 2018: "For purposes of this Order and subsequent actions with respect to this Order only, Holtzman Corporation admits to the jurisdictional allegations, and agrees not to contest, but does not admit the findings of fact and conclusions of law in this Order."
4. Based on the information available to DEQ to date, Holtzman is otherwise in compliance with the Order and is current with all monitoring and reporting requirements

**SECTION C: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 62.1-44.34:20, the Board orders Holtzman, and Holtzman agrees to:

That the language in Section E, paragraph 3 of the Order is hereby removed, and declared null and void, and that the following language be placed in such Section E, paragraph 3 – and that such Section E, paragraph 3 will read as follows - just as though such language had been in such Order at the time it was signed on July 2, 2018 by Holtzman and on September 11, 2018 on behalf of the Board: "For purposes of this Order and subsequent actions with respect to this Order only, Holtzman Corporation admits to the jurisdictional allegations, and agrees not to contest, but does not admit the findings of fact and conclusions of law in this Order."

And it is so ORDERED this 6<sup>th</sup> day of February, 2019.



Thomas Faha, Regional Director  
Department of Environmental Quality

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Holtzman Corporation voluntarily agrees to the issuance of this Order.

Date: 1-25-19 By: [Signature] President  
(Person) (Title)  
Holtzman Corporation

Commonwealth of Florida  
Virginia  
City/County of Indian River

The foregoing document was signed and acknowledged before me this 25 day of  
January, 2019, by William B. Holtzman who is  
Owner of Holtzman Corporation, on behalf of the corporation.

[Signature]  
Notary Public

66209340  
Registration No.

My commission expires: 4/29/2022

Notary seal:

